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September 28, 1999

The Reverend Thomas E. Dipko, Ph.D.
Executive Vice President
United Church Board for Homeland Ministries
United Church of Christ
700 Prospect Avenue
Cleveland, Ohio 44120

Re: Testimony Regarding the FALN

Dear Dr. Dipko:

I am writing to follow up on your testimony to the Committee on Tuesday, September 21, 1999, during its hearing about the President's grant of clemency to 16 members of the FALN. I hope that you can respond, so that there is no doubt as to where the United Church of Christ stands on this important issue.

In your opening statement, you said that:

[o]ur support is neither naïve about the suffering caused by the FALN bombings, nor callous toward those victimized by them. . . . We abhor violence and believe that compassion for the victims of violence is foundational to the justice system of any nation that calls itself a democracy.

We do our homework well. At our best, and we are not always at our best, we do not put a wet finger to the air to determine where the winds of public opinion point on the road through moral ambiguity to clarity of conscience before God.

I am concerned that your testimony before the Committee reflected numerous misunderstandings or misrepresentations about the factual backgrounds of those who were granted clemency by President Clinton.

A. The UCC's Support of Alejandrina Torres

During the hearing, you admitted that the UCC awarded Alejandrina Torres its "Honored Laywoman" award. You stated that she was honored because she "had convictions about the self-determination of the peoples of Puerto Rico." However, you seemed to be completely oblivious to the fact that Ms. Torres was deeply involved in the FALN's violent terrorist activities. When you were shown a videotape of Ms. Torres manufacturing a bomb in an FALN safehouse, you seemed to be surprised. This fact alone is disturbing, as you assured the Committee that the UCC had "done its homework well" before supporting the FALN prisoners. Nevertheless, you conceded that if indeed it was Ms. Torres on the tape, "the Church would wish to, of course, disassociate from it."

I can assure you that it is indeed Ms. Torres on the surveillance tape. The tape was recorded by the FBI, and the FBI has informed the Committee that the two individuals on the tape are Edwin Cortes and Alejandrina Torres. Thus, I am puzzled by the UCC's decision regarding its "Honored Laywoman" award. I am left wondering whether you did in fact intend to make a hero of someone who practiced making bombs for terrorist attacks.

B. The Prisoners' Violent Records

The UCC's support for the 16 FALN prisoners seems to be based in part on the belief that they were nonviolent, and were convicted of only nonviolent offenses. In fact, in 1991, the UCC General Synod passed a resolution stating in part: "19 Puerto Rican women and men whose only crime has been to advocate the cause of Puerto Rico's independence have been tried unjustly, sentenced, jailed, and denied the basic human rights afforded common prisoners[.]"

I can assure you that political advocacy was not the sole crime of the FALN members granted clemency by President Clinton. The public record shows that the 16 prisoners engaged in, and were convicted of, violent offenses. The seditious conspiracy convictions against eleven of the FALN members granted clemency were not for intellectual beliefs. They were convictions for the construction and planting of bombs at 28 different locations in Illinois over a four year period. Three other FALN members granted clemency were also convicted of planning bombings of a Marine Training Center and an Army Reserve Center. The two Macheteros members who were granted clemency, Antonio Camacho-Negron and Juan Enrique Segarra-Palmer, were convicted for armed robbery of over \$7 million. None of these crimes can fairly be described as nonviolent.

Minimal research would also have shown that Segarra-Palmer was also found by a federal court to have organized and participated in an attack against a bus full of U.S. sailors that left two dead and nine wounded. See *United States v. Melendez-Carrion*, 820 F.2d 56 (2d. Cir. 1987). Such research would also have shown that FALN member Oscar Lopez planned to escape from prison by using powerful explosives, riddling the guard

towers with fire from automatic weapons, and then throwing grenades into the path of anyone that pursued him. In his efforts to escape, Lopez planned to acquire: fragmentation grenades, phosphorous grenades, eight M-16 machine guns, and 50 pounds of C4 explosives. Fortunately, this plan was foiled by the FBI.

I am troubled that the UCC would even call for the release of these violent offenders, much less claim that they are not violent. It is one thing to forgive those who have engaged in violent acts. It is quite another thing, however, to claim that the violent acts never occurred.

C. Claim of Disproportionate Sentences

Your support for clemency is also based on the premise that the sentences received by the FALN terrorists were disproportionate for the crimes for which they were convicted. In making this point, you compared their sentences to the average sentences for different types of crimes in the United States. However, it would seem more appropriate to compare the FALN sentences to the average sentence for seditious conspiracy, considering that was the most serious crime committed by the FALN members. Having reviewed your "statistical" claims, I am concerned that they were, at best, disingenuous.

D. Support for Unconditional Clemency

During your testimony, you did not state whether you supported conditional or unconditional clemency for the FALN prisoners. However, another publication of the UCC indicates that the church supports unconditional clemency. In the *Civil Rights Journal*, Bernice Powell Jackson, the Executive Director of the UCC's Commission on Racial Justice, stated that:

when [the FALN prisoners] read the fine print, they found that the releases were conditional and that the good news probably was not so good at all. It must have seemed like a cruel joke and one more insult from the government.

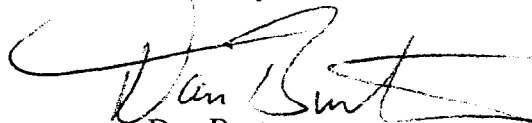
Instead [President Clinton's] commutation requires them to renounce the use, attempted use or advocacy of the use of violence and would include strict travel and associational restrictions. It seems to ignore an earlier joint statement by the prisoners and submitted to a congressional committee that they intend to integrate themselves into the civic and legal political process in their communities and that they understand that times have changed and declared their willingness to participate in a truly democratic process to resolve the status of Puerto Rico. Indeed, some argue that President Clinton's commutation of the incredibly long and harsh sentences of these political prisoners is not really a commutation at

all. It merely releases them from prison to serve the remainder of their terms in their communities.

The church's support for unconditional clemency is troubling. As you know, no Member who attended the hearing voiced any support for this position. I do not understand how it is a "cruel joke" or an "insult" to require violent felons to renounce the use of violence before they are released into the community.

For a church that is proud of its tradition of compassion, as in the case of the Amistad, or its intellectual heritage, in the founding of many of America's great schools, the United Church of Christ seems to have stumbled into a position that shows little knowledge of the facts, and little compassion for victims of the FALN. The church has given an award to a terrorist bomber, seemingly without conducting even minimal background research on her. It has taken a position in support of unconditional clemency that would take no safeguards against the members of the FALN returning to their terrorist ways. Finally, the UCC has shown an alarming lack of compassion for the individuals injured by the FALN's reign of terror. You admitted that you have never met any of the victims of the FALN's bombings. As you may have learned from the hearing, families have been deprived of fathers and sons, and brave policeman have been maimed by the FALN. Before you decide that the members of the FALN are "prisoners of conscience," you should have taken the time to meet these people, who have had their lives shattered by the FALN.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Burton", with a stylized flourish extending from the end.

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member